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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/580,719	05/24/2006	Konrad Bleier	2003P01797WOUS	3887

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EXAMINER

FISHMAN, MARINA

ART UNIT

PAPER NUMBER

2832

MAIL DATE

DELIVERY MODE

08/06/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/580,719

Applicant(s)

BLEIER ET AL.

Examiner

Marina Fishman

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-17, 19, 20 and 22-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-17, 19, 20, 22-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

General status

1. This is a Final Action on the Merits. Claims 14 – 17, 19, 20 and 22 – 26 are pending in the case and are being examined.

Claim Objections

2. Claim 24 is objected to because of the following informalities:

Claim 24, lines 4 and 5 recite "a switching device" and "an electrical switch" and again in lines 8 and 9 recite "a switching device" and "an electrical switch". Since there are two switching devices two electrical switches with the same element name, the Examiner suggest that they are differentiated by adding "first" and "second".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 21 and 24 – 26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 21, it is not clear what is the structure of "link mechanism" recited in the claim.

Claim 24, line 5 recites "an electrical switch" and line 9 recites "an electrical switch". It is not clear if both the switches are the same. The Examiner interprets that both the switches are the same.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 14, 15, 19, 20, 22 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Fitch [US 1,077,877].

Regarding Claim 14 Fitch discloses a switching device comprising: a movable switching element [N]; and an electrical switch [formed by terminals T or W] in selective [On or Off] operative connection to the switching element, the switching element being operable to selectively separate the operative connection [On or Off] between the switching element and the electrical switch, the switching element being movable in reciprocating matter along a path [Figure 1, contact being movable along the axis of the rod I], with the switching element remaining out of operative contact with the electrical switch.

Regarding Claim 15, Fitch discloses the movable switching element includes a striker [N] that can be displaced linearly against a biasing force of a spring [S].

Regarding Claim 19, Fitch discloses an arrangement for detecting at least two different positions of a movable door element [A], the arrangement comprising: a switching device having a movable switching element [I, N] and an

electrical switch [T or W] in operative connection to the switching element, the switching element being operable to selectively separate the operative connection between the switching element and the electrical switch, the door element and the switching device having an operative connection therebetween and the operative connection between the door element and the switching device being selectively separable.

Regarding Claim 20, Fitch discloses the movable switching element includes a striker [I] and the striker being movable out of a region of engagement of the door element by at least one of a displacement and a lowering movement.

Regarding Claim 22, Fitch discloses the operative connection between the switching device and the door element can be separated by exposing a depression [A'] arranged in the door element to partly receive the striker.

Regarding Claim 23, Fitch discloses the depression can be exposed by means of a slider [C] arranged in the door element.

7. Claims 14, 15, 17, 19 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Schneider [DE 32 22 056].

Regarding Claim 14, Schneider discloses a switching device comprising: a movable switching element [2]; and an electrical switch [5, 6] in selective operative connection to the switching element, the switching element being operable to selectively separate the operative connection between the switching element and the electrical switch, the switching element being movable in reciprocating matter along a path [Figure 1], with the switching element remaining out of operative contact with the electrical switch.

Regarding Claim 15, Schneider discloses the movable switching element includes a striker [18] that can be displaced linearly against a biasing force of a spring [4].

Regarding Claim 17, Schneider discloses the striker is rotatable about its longitudinal axis [see English abstract], the striker being operable to separate the operative connection between the switching element and the electric switch [Figure 2].

Regarding Claim 19, Schneider discloses an arrangement for detecting at least two different positions of a movable door element [door not shown], the arrangement comprising: a switching device having a movable switching element [2, 3] and an electrical switch [5, 6] in operative connection to the switching element, the switching element being operable to selectively separate the operative connection between the switching element and the electrical switch, the door element and the switching device having an operative connection therebetween and the operative connection between the door element and the switching device being selectively separable.

Regarding Claim 20, Schneider discloses the movable switching element includes a striker [18] and the striker being movable out of a region of engagement of the door element by at least one of a displacement and a lowering movement.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to

be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schneider [DE 32 22 056] in view of Michael [DE 43 09 132].

Regarding Claim 16 Schneider discloses the instant claimed invention except for: the electrical switch has a displaceable switching pin which can be actuated by a trip cam provided on the outer circumference of the displaceable striker. Michael discloses the electrical switch has a displaceable switching pin [21] which can be actuated by a trip cam [notch] provided on the outer circumference of the displaceable striker [20]. It would have been obvious to one of ordinary skill in the art at the time the invention is made to provide the electrical switch of Schneider with a displaceable switching pin which can be actuated by a trip cam provided on the outer circumference of the displaceable striker as suggested by Michael, in order to have multiple terminal connection available to the switch.

10. Claims 24 – 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Admitted Prior Art in view of Fitch [1,077,877].

Regarding Claims 24 – 26 the Admitted Prior Art, instant specification page 1, lines 11-12 and 24-31 discloses a household appliance comprising: at least one electrical load in the form of a selected one of an electrical interior light and an electrical load that is not an electrical interior light along with the associated switches. However, the Admitted Prior art does not disclose the electrical load being actuatable by a selected one of a switching device. Fitch

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discloses a switching device having a movable switching element [I] and an electrical switch [T, W] in operative connection to the switching element with the switching element being operable to selectively separate the operative connection between the switching element and the electrical switch and an openable door [A] element arrangement including a switching device having a movable switching element [C] and the electrical switch in operative connection to the switching element with the switching element being operable to selectively separate the operative connection between the switching element and the electrical switch and the door element and the switching device having an operative connection therebetween and the operative connection between the door element and the switching device being selectively separable.

Regarding Claims 25 and 26, the Admitted Prior Art and Fitch disclose the switching-on and switching-off function for the at least one electrical load can be deactivated by separating the operative connection between the switching element and the electrical switch [by use of door element C].

Response to Arguments

11. Applicant's arguments filed 6/62008 have been fully considered but they are not persuasive.

The Applicant has described, at length, the operation of Finch's switch, and stated that "the switch may remain in an automatically operable switch upon opening and closing the door but the electrical circuit itself may be selectively disabled by operation of the switch." The argument is not persuasive, as the discussed elements are not part of the claim. As to Schneider [De '056]

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reference the Applicant has argued that there is no indication that the electrical connection may be separated from movement of the push rod while maintaining operation of the push rod and maintaining inoperability of the electrical connection. Therefore, it is respectfully asserted that the outstanding rejection of the present invention based on Schneider DE '056 is in error. The Examiner respectfully disagrees. DE '056 discloses a lug [13] moving in a recess provided in the housing, the contact element [5] rotates during the movement along the recess and thus makes and breaks the contact with the mating contact [6]. The Applicant also argued that the admitted Prior Art and Fitch '077, either alone or in combination, do not teach or suggest the subject matter defined in independent Claim 24. The Examiner respectfully disagrees. The Applicant did not specifically point out, which particular limitation is not met by the combination of references.

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will

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the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marina Fishman whose telephone number is (571)272-1991. The examiner can normally be reached on 7-5 M-T.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin Enad can be reached on 571-272-1990. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Elvin G Enad/
Supervisory Patent Examiner, Art Unit 2832

/Marina Fishman/
Examiner, Art Unit 2832
August 4, 2008

